

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

NATIONAL EDUCATIONAL
ASSOCIATION; *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION; *et al.*,

Defendants.

Case No. 1:25-cv-00091-LM

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

After careful consideration of the parties' submissions and the applicable law, the Court GRANTS Plaintiffs' Motion for Temporary Restraining Order.

The Court hereby finds that the Plaintiffs have a demonstrated the following: a likelihood of success on the merits of their claims; that the Plaintiffs are likely to suffer irreparable harm if a temporary restraining order is not issued; that the potential harm to the Plaintiffs if a temporary restraining order is not issued outweighs the potential harm to the Defendants if such an order is issued; and that the issuance of a temporary restraining order is in the public interest.

Pursuant to Federal Rule of Civil Procedure 65(b) and Section 705 of the Administrative Procedure Act, 5 U.S.C. § 705, this Court ORDERS as follows:

Defendants United States Department of Education; Linda M. McMahon, in her official capacity as Secretary of the Department of Education; Craig Trainor, in his official capacity as Acting Assistant Secretary for Civil Rights, Department of Education; and their agents, employees, representatives, successors, and any other person acting directly or indirectly in concert with them, are temporarily enjoined from implementing the United States Department of Education (ED)'s

April 3, 2025 Certification Requirement and from taking any adverse action on the basis of state and local education agencies' responses or lack thereof.

Defendants are further enjoined from all enforcement and implementation of the Dear Colleague Letter until the Court renders a decision on the Motion for Preliminary Injunction.

The Court further waives the requirement for security under Fed. R. Civ. P. 65(c).

This Order shall take effect immediately and shall remain in effect until further order of the Court.

SO ORDERED this ____ day of 2025,

Landya B. McCafferty
Chief United States District Court Judge